

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 06-222-JJF
	:
IMPAX LABORATORIES, INC.,	:
	:
Defendant.	:

O R D E R

Whereas, Defendant has filed a Motion To Compel (D.I. 139) requesting that Plaintiff produce documents responsive to Defendant's Fourth Set of Requests for Production (nos 125-131);

Whereas, Plaintiff opposes the motion arguing that Defendant's requests are overly broad and burdensome;

Whereas, after considering the parties' arguments the Court finds the Requests for Production of Documents, both clinical and marketing, for Effexor XR® concerning any diminished incidence of nausea and emesis are subject to discovery and must be produced;

Whereas, the Court further finds that documents evidencing clinical data relating to comparisons of Effexor XR® and desvelafaxine concerning diminished incidence of nausea and emesis are relevant to asserted defenses and must also be produced (this finding excludes marketing documents).

THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Compel (D.I. 139) is **GRANTED** to the extent described above.

May 4, 2007
DATE

Joseph J. Faurel
UNITED STATES DISTRICT JUDGE